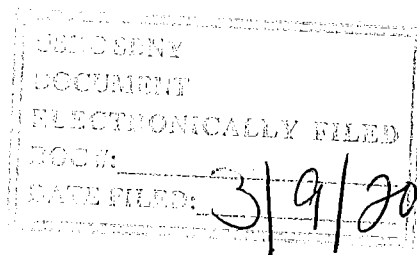


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
MERRILL WARBOYS and KATHRYN  
WARBOYS,

Plaintiffs,

v.

SHI-III BRIARCLIFF REIT, LLC;  
BRIARCLIFF MANOR INVESTORS, LLC;  
ANDRON CONSTRUCTION CORP.; and  
VISTA CONSTRUCTION & LANDSCAPE  
CONTRACTORS, INC.,

Defendants.

**ORDER**

19 CV 2491 (VB)

-----X  
ANDRON CONSTRUCTION CORP.,

Third-Party Plaintiff,

v.

AMERICAN PANEL TEC/NY LLC,

Third-Party Defendant.

-----X  
The second revised civil case discovery plan and scheduling order dated March 6, 2020, indicates that “[a]ll parties” consent to conducting all further proceedings before a magistrate judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). (Doc. #88).

This representation is inconsistent with prior civil case discovery plan and scheduling orders, where “[a]ll parties” did not consent to conducting all further proceedings before a magistrate judge (Docs. ##31, 56). Moreover, third-party defendant American Panel Tec/NY LLC has not yet appeared.

Accordingly, it is HEREBY ORDERED that if and when third-party defendant American Panel Tec/NY LLC appears, and if at that time **all** parties consent to proceed before a magistrate judge, **all** parties shall execute and submit for the Court’s review the attached form.

In the meantime, this case remains assigned to Judge Briccetti (and referred for general pretrial supervision to Magistrate Judge Davison (Doc. #73)).

Dated: March 9, 2020  
White Plains, NY

SO ORDERED:

Vincent L. Briccetti  
United States District Judge

# UNITED STATES DISTRICT COURT

for the  
Southern District of New York

_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
_____	)	
<i>Defendant</i>	)	

## NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

### Reference Order

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.